

JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

NAM BA NGUYEN,

Plaintiff,

v.

WESTMINSTER POLICE  
DEPARTMENT, et al.,

Defendants.

No. SA CV 22-1930-DOC (PLA)

**ORDER CLOSING CASE**

**I.**

**BACKGROUND**

On October 21, 2022, plaintiff filed a pro se civil rights action herein pursuant to 42 U.S.C. § 1983 (“Complaint”). Plaintiff also filed a Request to Proceed Without Prepayment of Filing Fees (“IFP Request”). (ECF No. 2). The Court has not yet ruled on the IFP Request.

On November 8, 2022, plaintiff filed a “Motion to Withdraw” (“Motion” (ECF No. 4)), in which he states that he “request[s] to withdraw the entire case,” because he is “currently under Mental Health treatment.” (Mot. at 1). The Court construes plaintiff’s Motion to be notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Rule 41 allows for the voluntary dismissal of an action by a plaintiff without prejudice and without a court order before the opposing party serves either an answer or a motion for summary

1 judgment. Fed. R. Civ. P. 41(a)(1); Hamilton v. Shearson-Lehman Am. Express, Inc., 813 F.2d 1532,  
2 1534 (9th Cir. 1987). Defendants have not yet appeared in this action.

3 Accordingly, based on plaintiff's Motion, the Court finds that dismissal of the action is  
4 warranted.

5 **II.**

6 **ORDER**

7 As Rule 41(a)(1) of the Federal Rules of Civil Procedure permits plaintiff to dismiss the action  
8 even without a court order since no answer has been served, the Court hereby dismisses the  
9 Complaint without prejudice. This case is **closed**.

10  
11 DATED: November 10, 2022



HONORABLE DAVID O. CARTER  
UNITED STATES DISTRICT JUDGE